

AO 120 (Rev. 3/04)

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| <b>TO: Mail Stop 8</b><br><b>Director of the U.S. Patent and Trademark Office</b><br><b>P.O. Box 1450</b><br><b>Alexandria, VA 22313-1450</b> | <b>REPORT ON THE</b><br><b>FILING OR DETERMINATION OF AN</b><br><b>ACTION REGARDING A PATENT OR</b><br><b>TRADEMARK</b> |
|---|---|

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been  
filed in the U.S. District Court Eastern District of New York on the following ☒ Patents or ☐ Trademarks:

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|---|--|--|
| DOCKET NO.<br>CV 09-4534  | DATE FILED<br>10/21/2009               | U.S. DISTRICT COURT<br>EDNY, 100 Federal Plaza, P.O. Box 9014, Central Islip, NY 11722   |
| <b>PLAINTIFF</b><br><br>Next Proteins, Inc., a California corporation |  | <b>DEFENDANT</b><br>Distinct Beverages, Inc., a New York corporation<br>Jake S. Townson, an individual<br>Nick Woodhead, an individual<br>USA Sports Supplements, Inc., a New York corporation<br>Does 1-20, inclusive |
| <b>PATENT OR<br/>TRADEMARK NO.</b>                                    | <b>DATE OF PATENT<br/>OR TRADEMARK</b> | <b>HOLDER OF PATENT OR TRADEMARK</b>   |
| 1 US 7,205,018 B2   | 4/17/2007                              | Next Proteins, Inc.  |
| 2   |  |  |
| 3   |  |  |
| 4   |  |  |
| 5   |  |  |

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

|                                    |   |                                      |
|------------------------------------|---|--------------------------------------|
| DATE INCLUDED                      | INCLUDED BY<br><input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading |                                      |
| <b>PATENT OR<br/>TRADEMARK NO.</b> | <b>DATE OF PATENT<br/>OR TRADEMARK</b>  | <b>HOLDER OF PATENT OR TRADEMARK</b> |
| 1                                  |   |                                      |
| 2                                  |   |                                      |
| 3                                  |   |                                      |
| 4                                  |   |                                      |
| 5                                  |   |                                      |

In the above—entitled case, the following decision has been rendered or judgement issued:

|                    |
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| DECISION/JUDGEMENT |
|--------------------|

|                                  |  |                        |
|----------------------------------|--|------------------------|
| CLERK<br><br>ROBERT C. HEINEMANN | (BY) DEPUTY CLERK<br><br>/s/ Mary Ryan | DATE<br><br>10/27/2009 |
|----------------------------------|--|------------------------|

Copy 1—Upon initiation of action, mail this copy to Director    Copy 3—Upon termination of action, mail this copy to Director  
Copy 2—Upon filing document adding patent(s), mail this copy to Director    Copy 4—Case file copy